



Wyoming Department of Agriculture

2219 Carey Ave., Cheyenne, WY 82002 ■ Phone: 307-777-7321 ■ Fax: 307-777-6593
E-mail: wda1@state.wy.us ■ Website: wyagric.state.wy.us

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February 28, 2006

David Simons, Project Lead
Bureau of Land Management
Rawlins Field Office
P. O. Box 2407
Rawlins, Wyoming 82301

Dear David Simons:

Following are the comments of the Wyoming Department of Agriculture on your Draft Environmental Impact Statement (DEIS) for the proposed Atlantic Rim Natural Gas Development Project.

Our comments are specific to our mission: to be dedicated to the promotion and enhancement of Wyoming's agriculture, natural resources, and quality of life. As this proposed project affects our agriculture industry, our natural resources, and the welfare of our citizens, it's important that we be kept informed of proposed actions and decisions and that we continue to be provided the opportunity to express pertinent issues and concerns.

Four alternatives have been proposed: Proposed Action, No Action, B - Temporal, and C - Spatial. The three action alternatives (proposed, temporal, and spatial) create adverse impacts for grazing permittees in the Atlantic Rim Planning Area (ARPA) which could significantly reduce current levels of grazing, add costly burdens, and decrease revenues.

We understand and appreciate the need for energy development. We believe the Proposed Action best fulfills that need. We further believe that the Proposed Action with some of the provisions of Alternative C will minimize impacts upon rangelands and grazing permittees, while optimizing energy development.

We are opposed to Alternative B.. This alternative concentrates drilling to one-third of the ARPA during each of three phases. This is a worst-case scenario for livestock grazing, as the DEIS acknowledges. The DEIS notes that this alternative of timed development would double the number of gas wells in the most affected allotments, resulting in the suspension of some or all grazing in these allotments. The BLM projects development in each phase of this project to last five to seven years. The concentrated development in each area will probably eliminate livestock grazing for the permittees in that area during that time. That's unreasonable, unnecessary, and unacceptable. This alternative also severely restricts the flexibility of the natural gas developers to work with grazing permittees and BLM officials on the placement of gas wells, support structures, and development activities. Moreover, because this alternative concentrates development in each area, the alternative also creates the

most intense adverse impacts on grasses, forbs, and shrubs and the greatest infestation of noxious weeds in each area.

While we support the Proposed Action, the implementation of that action requires successful and timely monitoring, reclamation, and mitigation. We believe the DEIS is deficient in stating that monitoring, reclamation, and mitigation must occur to offset the harmful effects of implementation of this project in the ARPA.

Some of the injurious effects of energy development and operations upon livestock grazing that need to be mitigated include the following.

- Virtual elimination of essential lambing grounds for grazing permittees. These grounds are critical to the continuing operation of these permittees.
- Increased losses of livestock from collisions due to increased traffic and speeds.
- Introduction of halogeton and other poisonous and noxious weeds.
- Unpalatable vegetation from dust created by increased road traffic and construction activities, reducing available forage by 15 to 30 percent, according to the DEIS.
- Destroyed cattle guards, open gates, and cut fences.
- Introduction and dispersal of undesirable non-native/noxious weeds.
- Reduction in AUMs available for livestock grazing for specific allotments.
- Failure to meet Wyoming Bureau of Land Management Standards and Guidelines for Healthy Rangelands.
- Reduced water yield from artesian wells, seeps, and springs.
- Changes in overland hydrology and desertification impacts due to roads on moderate to steep slopes.
- Damages to range improvements.
- Increased interference with herding and animal movement.

While the DEIS notes that these effects cause reduced stocking rates, lower weight gains, reduced animal health, and increased time and expenses by permittees, the DEIS fails to specify (1) the monitoring needed to promptly identify the occurrence of these effects, (2) the mitigation needed to offset these effects, and (3) the consequences needed to be imposed if monitoring and mitigation does not occur. This project possesses the potential to critically endanger the livelihoods of grazing permittees. For that reason, we strongly and unequivocally believe monitoring, mitigation, and consequences for this project must be identified. We understand this project will produce some benefits to livestock grazing,

including water for self-contained troughs and tanks, additional and improved roads for livestock grazing management, and improved forage if reclamation is prompt and adequate. However, these benefits do not compensate for the severe effects imposed by this project upon livestock grazing permittees. BLM's final decision needs to reflect the Congressional intent expressed in the Federal Land Policy and Management Act of 1976 of managing federal lands in a manner that will provide adequate food and habitat for fish and wildlife and domestic animals (our emphasis).

We are also concerned about slow and ineffective reclamation that occurred during the development of the exploratory wells for this project. The DEIS says "adequate reclamation and weed control has been slow in being implemented" and "control of halogeton in 2004 was inadequate, forcing one operation trailing sheep to go miles out of their normal trail route to avoid this poisonous plant." While the DEIS says weed control and prompt reclamation occurred in some locations during 2005, it is implied that weed control and prompt reclamation did not occur in other locations during that same year.

Prompt and adequate reclamation and weed control must occur throughout the life of this project. The FEIS and final decision need to state actions that will ensure prompt and adequate reclamation and weed control. Those assurances are not evident in the DEIS.

Regarding reclamation, we also recommend the requirement to use locally adapted seed whenever possible. We make this recommendation because in the past energy companies have used native, but non-local seed for reclamation. Often, this seed was not adapted to the growing conditions in the area. The result was unsuccessful reclamation.

We are concerned about the cumulative impacts upon livestock grazing by the Atlantic Rim Project, but we are alarmed about synergistic impacts of the many energy development projects that are, or soon will be, occurring in the Rawlins Field Office planning area. The cumulative impacts of these projects that nearly blanket the planning area magnify the penalties and costs of development upon grazing permittees. The impacts also severely restrict possible mitigation. The 1.1 million acre Continental Divide/Creston Blue Gap II project lies immediately adjacent to the west of the Atlantic Rim project and the projected core area of development lies immediately adjacent to that of the Atlantic Rim project. The Desolation Flats energy development lies immediately west of the Divide project. Currently, Rawlins FO planning area is or will be suffering the wrath of eight coalbed and six conventional natural gas projects, six geophysical projects, and four powerline and pipeline projects. Although the impacts of each project may not critically harm any particular livestock operation in the specific project area, the cumulative impacts of all of these projects may jeopardize the livelihoods of grazing permittees and livestock grazing in the greater Rawlins FO planning area. The accumulating impacts can be catastrophic to many resource values, including livestock grazing.

The accumulating impacts of all of these projects point to the requirement for prompt and adequate on-site mitigation, including reclamation. Moreover, the vast scope of these many projects increases the need for off-site mitigation. Yet, the magnitude of these projects limits the area available for offsite mitigation.

For this reason, we believe the EIS for each of these projects must consider the accumulated impacts of all of these projects upon the environment and the multiple uses which the Rawlins FO and the BLM are directed to manage.

We appreciate the increased emphasis in the DEIS on identifying the acres of disturbance, not just the number of wells, created by this project. We also agree the emphasis needs to be on (1) minimizing the acres of disturbance, (2) prompt and successful reclamation of disturbed acres, and (3) mitigating for the loss of resource values created by those disturbed acres.

We believe the wording in Table 2-4, Vegetation, first row, Page 2-13 should be changed to be more accurate. The current DEIS wording is "...suspended grazing would lead to more rapid reclamation, greater ratio of grasses to shrubs...." This wording implies that BLM will suspend and not allow grazing on all lands undergoing reclamation. Given the extent of development of this project and the fact that lands undergoing reclamation often are not fenced, the adoption of this "Vegetation" alternative effectively removes livestock grazing from large areas of the ARPA. We understand the intent of this alternative is to allow voluntary and temporary removal of livestock grazing by permittees from land undergoing reclamation. This alternative needs to be rewritten to more accurately depict this intent.

We recommend deleting the word "limited" in the fourth line, last bullet, Section 2.2.1, on page 2-2. This section states that an exception to re-injection of produced water is "the closed system with limited use of livestock and wildlife watering systems, with appropriate state permits." If the systems are closed and are with appropriate state permits, then there is no need for "limited" use of these systems. We believe it is essential produced water be available to these closed systems wherever appropriate; they should not be limited if they meet all qualifications.

Regarding the references to the management of produced water, the DEIS imposes re-injection as the only water management tool. The reason for limiting water management to re-injection is to avoid contributing to the salinity of the Colorado River. Yet the DEIS also notes that produced water from some wells flows into the Divide Basin and the North Platte River Basin. There is no need to restrict water management to re-injection for these two basins. The water in the Divide Basin is self-enclosed, and the North Platte River desperately needs water to support endangered and threatened species downstream in Nebraska. For that reason, the FEIS and final decision must recognize that other water management tools should be considered for the Divide Basin and the North Platte River Basin. These management tools should include consideration of piping produced waters from the Colorado Water Basin the short distance to the North Platte River Basin, and allowing produced water to benefit livestock and wildlife.

We definitely support the two exceptions to re-injection of produced water for the Colorado River Basin. Produced water can greatly benefit livestock and wildlife and the exception that allows a closed system for produced water provides those benefits with no harm to the basin. The second exception recognizes that withdrawing water for coal bed natural gas production often reduces or eliminates production of artesian water wells for livestock and for other uses. Yet, these water wells are relied upon to provide water for livestock and can benefit

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wildlife, as well. Both exceptions will allow grazing permittees to contribute to meeting Wyoming BLM Standards and Guidelines for Healthy Rangelands

The DEIS notes in Alternative C that fences needed for the project in Special Management Areas will be converted to BLM standards for improved wildlife passage. We recommend coordination with grazing permittees if these fences affect livestock grazing management. We also recommend that grazing permittees not be responsible for maintaining these fences.

On page 4-55, the DEIS says the mineral companies should promote a policy to contact grazing permittees or the BLM about damages. We suggest two corrections. First, the company should contact both the permittee AND the BLM, not one or the other. Both the permittee and the BLM need to know. Secondly, the mineral companies should not just promote a policy, but they must actively implement a policy for contacting the grazing permittees and the BLM. Damage to livestock, cattle guards, fences, gates, and range improvements are inevitable. Notification procedures need to be in place and in use.

We also recommend Final EIS require energy companies to inform grazing permittees and landowners informed of projected and current activities. These activities will directly affect the food and habitat of livestock, the management of livestock, and the livelihoods of grazing permittees.

Proposed revisions to Resource Management Plans in Wyoming allow the Field Office Manager to create and consider the recommendations of Activity Working Groups (AWG). These groups of government representatives can study critical issues and conflicts and recommend actions that will help resolve conflicts and find solutions to problems. We strongly recommend that the FEIS and final decision allow the Rawlins FO Manager the flexibility to create an AWG as necessary.

In conclusion, we appreciate the opportunity to comment on this DEIS, we encourage continued attention to our concerns, and we look forward to hearing about and being involved in proposed actions and decisions.

Sincerely,



John Etchepare
Director

JE/dc

cc: Governor's Planning Office
Wyoming Game and Fish Department